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Date: August 25, 2006

Name: Gregg S. Ayoub

Signature: *Gregg S. Ayoub*
Hogan & Hanson, L.L.P.

Docket No. 21119.0029

Customer No. 41913

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jerome SWARTZ, et al.

Filed: August 27, 2001

Group Art Unit: 2616

Application No: 09/940,182

Examiner: Man U. Phan

For: SYSTEM FOR DIGITAL RADIO COMMUNICATIONS BETWEEN A WIRELESS LAN AND A PBX

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In the Notice of Allowance dated August 16, 2006, the Examiner noted his reasons for allowance starting at page 2. Pursuant to 37 CFR 1.104(e), applicant would like to comment as follows:

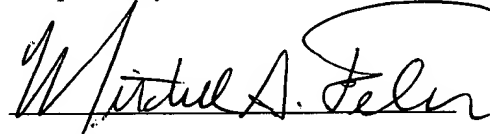
In the Office Action dated October 14, 2005, the Examiner rejected claims 45-56 on the grounds of statutory double patenting under 35 U.S.C. § 101 in view of claims 1-7 of Patent No. 6,330,244. The remaining claims (57-92) were rejected on obviousness-type double patenting in view of the '244 patent. Applicants comments herein are for the purposes of confirming in the record that the rejection of claims 45-56 under § 101 has been addressed and that those claims have properly been allowed.

In response to the October 14, 2005 Office Action, a terminal disclaimer was submitted over the '244 patent and applicants stated their belief this addressed all of the pending rejections. With specific regard to the § 101 rejection, Applicants note that pending claims 45-56 are not identical to claims 1-7 of the '244 patent. For example, independent claim 1 of the '244 patent recites a telephone service interface "including a gateway, including a memory mapping said telephone extension addresses of said mobile units and network addresses of said mobile units." In contrast, independent claim 45 of the pending application recites a telephone service interface "providing a correspondence between the telephone extension addresses of said mobile units and the network address of said mobile units."

Because the scope of '244 patent claim 1 and pending application claim 45 are not identical, the rejection under § 101 was improper. With respect to an obviousness-type double patenting rejection of claims 45-56 in view of the '244 patent, such a rejection is addressed by the terminal disclaimer previously submitted. The Examiner's agreement on this point is evidenced by the Examiner's allowance of claims 45-54, along with claims 55-92.

Date: August 25, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mitchell S. Feller", written over a horizontal line.

Mitchell S. Feller
Reg. No. 42,530

Hogan & Hartson, L.L.P.
875 Third Avenue
New York, NY 10022
Telephone: (212) 918-3000